

A-89-510 (Hong)

**This letter is SUPERSEDED by the 1998 amendments to Regulation 18530. Regulation 18530 revised the Commission's interpretation of Government Code Section 85300. Prior to the amendment, the Commission interpreted Section 85300 to prohibit the use of public resources for campaign purposes. Amended Regulation 18530 provides that Section 85300 only prohibits the payment of public moneys for the public financing of elections.**



# California Fair Political Practices Commission

SUPERSEDED BY 1998  
AMENDMENTS TO  
REGULATION 18530

November 13, 1989

Dora Hong  
Deputy City Clerk  
City of Torrance  
3031 Torrance Blvd.  
Torrance, CA 90509-2970

Re: Your Request for Advice  
Our File No. A-89-510

Dear Ms. Hong:

You have requested advice regarding the use of public funds under the contribution limitation provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

May the cost of publishing the candidates' statements to be printed in the voters' sample ballot pamphlet be subsidized by the City of Torrance?

## CONCLUSION

Yes, the City of Torrance may subsidize the cost of publishing candidates' statements in the voters' sample ballot pamphlet.

## ANALYSIS

Section 85300 provides:

No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Regulation 18530 (copy enclosed), adopted by the Commission in March of this year, provides that use of public funds for the "production and dissemination of candidate statements" is not prohibited by Section 85300.<sup>2</sup>

The Commission has determined, based on the history of litigation and legislation in the area, that the public funding of candidate statements is an expression of "the government's legitimate interest in promoting intelligent participation in the election process" as opposed to a utilization of tax dollars to provide public matching funds for political campaigns. (See Commission Memorandum Re: Adoption of Regulation 18530, February 28, 1989, copy enclosed.) Consequently, the City of Torrance may subsidize the cost of printing candidates' statements with public funds.

If you have any questions regarding this advice, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: Lilly Spitz  
Counsel, Legal Division

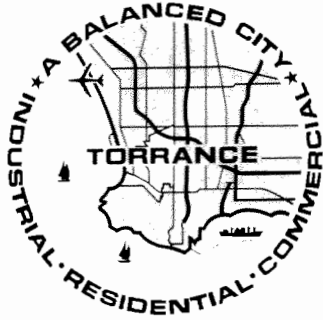
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Enclosure

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<sup>2</sup> Regulation 18530 was submitted to the Office of Administrative Law for review and disapproved on technical grounds. We are preparing to resubmit it in the near future.

JOHN A. BRAMHALL  
CITY CLERK



# CITY OF TORRANCE

3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA 90509-2970  
TELEPHONE (213) 618-2870

August 24, 1989

Fair Political Practices Commission  
Katherine Donovan, General Counsel  
Legal Division  
428 J Street, Suite 800  
Sacramento, CA 95814

Dear Ms. Donovan:

The City of Torrance requests a written legal opinion or advisory letter on whether or not the candidate's statement in the voter's sample ballot may be subsidized, either wholly or partially, by the City.

It has been past practice for the City (by Council authority) to charge the candidate not more than \$300.00 for his printed statement as a reimbursement to the City, even though actual cost for printing his statement in the sample ballot runs between \$600.00 to \$1,100.00 per statement, depending upon printing format. The feeling of the Council is that subsidizing the candidate's statement promotes greater participation of potential candidates in our electoral process.

Margaret Ellinson of the Legal Division, FPPC, informed me this date that this issue is still "in limbo," and that the current interpretation is that there is no regulation that allows for the subsidy of a candidate's statement. It is my understanding that her opinion is that a City's subsidy of a candidate's statement is therefore not permitted.

As we are in immediate preparation of the necessary City Council action for our March 1990 municipal election, we would be most appreciative of your early response to our request.

Sincerely,

John A. Bramhall, City Clerk

by Dora Hong, Deputy City Clerk

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# California Fair Political Practices Commission

August 29, 1989

Dora Hong  
Deputy City Clerk  
3031 Torrance Boulevard  
Torrance, CA 90509-2970

Re: Letter No. 89-510

Dear Ms. Hong:

Your letter requesting advice under the Political Reform Act was received on August 28, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan  
General Counsel

KED:plh